

2008.150-T
193577

State Of South Carolina

Re: Compliance Review Requested

Name of Motor Carrier

WHITE BROTHERS TOURS LLC

Action Taken:

☐ Referred for a Compliance Review

Date: _____

Investigator: _____

Compliance Review Findings:

☒ Satisfactory

☐ Unsatisfactory


Lt Col. TERRY W HANLEY
Compliance Review Officers

RECEIVED

JAN 24 2008

FBI/DOJ
MAIL / DMS

South Carolina State Transport Police

	US DOT # 1421283		Legal: WHITE BROTHERS TOURS LLC	
			Operating (DBA):	
MC/MX #: 604295			Federal Tax ID: [REDACTED]	
Review Type: Compliance Review (CR)				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory:
Operation Types				
	Interstate	Intrastate		
Carrier:	Non-HM	Non-HM	Business: Corporation	
Shipper:	N/A	N/A	Gross Revenue: \$12,400.00	
Cargo Tank:	N/A		for year ending: 6/17/2008	
Physical Address:				
420 SILVER LANE MONCKS CORNER, SC 29461				
Contact Name: Harold White Jr.				
Phone numbers: (1) 843- 364-8718 (2) Fax 843-899-5348				
E-Mail Address: hwhitejr@yahoo.com				
Mailing Address:				
PO BOX 733 MONCKS CORNER, SC 29461				
Carrier Classification				
Authorized for Hire				
Cargo Classification				
Passengers				
Does carrier transport placardable quantities of HM? No				
Is an HM Permit required? N/A				
Driver Information				
	Inter	Intra	Average trip leased drivers/month: 0	
< 100 Miles:			Total Drivers: 1	
>= 100 Miles:	1		CDL Drivers: 1	
Equipment				
	Owned	Term Leased	Trip Leased	Owned Term Leased Trip Leased
Motor Coach	1	0	0	
Power units used in the U.S.: 1				
Percentage of time used in the U.S.: 100				





WHITE BROTHERS TOURS LLC

U.S. DOT #: 1421283

Review Date:

06/18/2008

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

South Carolina State Transport Police, Motor Carrier Compliance Unit
10322 Wilson Blvd., Building D-2, PO Box 1993
Blythewood, SC 29016

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Harold White Jr.

Title: Owner

Name:

Title:





WHITE BROTHERS TOURS LLC
U.S. DOT #: 1421283

Review Date:
06/18/2008

Part B Violations

1 FEDERAL	Primary: 40.25(b) Secondary: 382.105	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to request information from previous DOT regulated employers of driver applicant for the two years prior to the date of application or transfer. Example Driver Harold White Jr. - Trip Date - 03/30/2008.					
2 FEDERAL	Primary: 382.601(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to provide educational materials explaining requirements of part 382 and employer's policies. Example Driver - Harold White Jr. - Trip Date - 03/30/2008.					
3 FEDERAL	Primary: 383.35(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to provide the required employment history information to prospective employer for the 10 years preceding the date the application is submitted. Example Driver - Harold White Jr. - Trip Date - 03/30/2008.					
4 FEDERAL	Primary: 396.3(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. Example Bus # 101 - File missing tire size.					
5 FEDERAL	Primary: 396.3(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed. Example Bus # 101					
6 FEDERAL	Primary: 396.19(b)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
Description Failing to maintain evidence of inspector's qualifications. Example Inspector - Joey Lewis - Inspection Date - 05/11/2007 - Trip Date - 03/30/2008.					





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Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 5,500
Recordable Accidents 0
Recordable Accidents/Million Miles 0.00

OOS Vehicle (CR): 0

Number of Vehicle Inspected (CR): 1

OOS Vehicle (MCMIS): 0

Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is :

SATISFACTORY

Rating Factors		Acute	Critical
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Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	S	0	0
Factor 4:	S	0	0
Factor 5:	N	0	0
Factor 6:	S	-	-

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





Part B Requirements and/or Recommendations

1. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
2. Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.
3. Ensure that drivers provide a 10-year employment history on their employment application.
4. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
5. Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.
6. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.
7. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
8. This review will result in a Safety Rating.
9. A complete Educational and Technical Assistance package entitled "A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations. Check: www.fmcsa.dot.gov/factsfigs/eta/index.html.
10. For questions about DOT numbers or biennial updates: 800-832-5660 or 703-280-4001
For questions about licensing, authority or MC numbers: 202-366-9805
For questions about insurance: 202-385-2423
For household goods complaints: 888-DOT-SAFT (888-368-7238)

11.

Notice: On August 25, 2005, the FMCSA published a final rule revising the hours-of-service regulations for commercial motor vehicle drivers. The new federal hours of service (becomes effective on October 1, 2005, statutory requirements provide that FMCSA enforcement of the new HOS) regulations took effect October 1, 2005, which included changes to rule may only begin on October 25, 2005. FMCSA will provide the sleeper berth and short-haul provisions. These regulations only apply industry with a transitional period to properly adjust to the new HOS rules. The transitional period will be from October 1, 2005 and continue through December 31, 2005, and will allow carriers and commercial motor vehicle (cmv) drivers operating State enforcement agencies time to train their employees.

From October 25, 2005 through December 31, 2005, FMCSA personnel will exercise discretion operating in interstate commerce. Passenger carriers and their drivers will continue operating under the pre-2003 rules while fatigue issues specific to the passenger carrier industry are assessed. Under the new rule, CMV drivers using the sleeper berth provision must take at least 8 consecutive hours enforcing the new rule. This is more fully explained hours in the sleeper berth, plus 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two. The 14-hour on-duty window may not be extended with off-duty time for meal and fuel stops, etc. The





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Part B Requirements and/or Recommendations

prohibition on driving after being on duty 60 hours in 7 consecutive days, or 70 hours in 8 consecutive days, remains the same, but drivers can "restart" the 7/8 day period anytime a driver has 34 consecutive hours off duty. For more information on these regulations, please access the FMCSA website at www.fmcsa.dot.gov.

STARVING STUDENTS

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review/inspection may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified Attachment A. FMCSA will also strongly encourage our State partners to you by the investigator. show comparable enforcement discretion.

12. All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official.



South Carolina State Transport Police



US DOT #
1421283

Legal: WHITE BROTHERS TOURS LLC
Operating (DBA):

MC/MX #: 604295

Federal Tax ID: [REDACTED]

Review Type: Compliance Review (CR) - Receipt

Scope: Principal Office

Location of Review/Audit: Company facility in the U. S.

Territory:

Operation Types Interstate Intrastate

Carrier: Non-HM Non-HM
Shipper: N/A N/A
Cargo Tank: N/A

Business: Corporation

Gross Revenue: \$12,400.00

for year ending: 6/17/2008

Physical Address:

420 SILVER LANE
MONCKS CORNER, SC 29461

Contact Name: Harold White Jr.

Phone numbers: (1) 843- 364-8718 (2)

Fax 843-899-5348

E-Mail Address: hwhitejr@yahoo.com

Mailing Address:

PO BOX 733
MONCKS CORNER, SC 29461

Report Summary

Report	# of Pages
Part A - General	2
Part B - Violations	2
Part B - Recommendations	2
Review/Audit Receipt Page	1
Total Pages	7

Disclaimer: By signing below, I acknowledge that I have received a copy of this review/audit and agree with the total number of pages indicated (above) for each document. My signature does not imply agreement with the findings of the review/audit, however they have been discussed in detail with me.

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

South Carolina State Transport Police, Motor Carrier Compliance Unit
10322 Wilson Blvd., Building D-2, PO Box 1993
Blythewood, SC 29016

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Harold White Jr.

Title: Owner

Name:

Title:

Reported By: *Terry N. Harvey*

Title: *S/I*

Code: SC0036 **Date:** 6/18/2008

Received By: *Harold White Jr.*

Title: *operation manager*





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Safety Fitness Rating Explanation

This report lists the facts which were used to determine the Safety Fitness Rating for the above motor carrier. Federal and State violations are combined for rating purposes. However, only the federal or federal equivalent section number is shown below. A check mark identifies the range within which the data fell when determining the Safety Fitness Rating. All information within a FACTOR block relates only to that FACTOR.

FACTOR 1 General (CFR Parts 387, 390)
VIOLATIONS AFFECTING RATING **POINTS**
NONE
TOTAL POINTS: 0 = SATISFACTORY

√ 0 Point = Satisfactory
1 Point = Conditional
>1 Point = Unsatisfactory

FACTOR 2 Driver Qualification (CFR Parts 382, 383, 391)
VIOLATIONS AFFECTING RATING **POINTS**
NONE
TOTAL POINTS: 0 = SATISFACTORY

√ 0 Point = Satisfactory
1 Point = Conditional
>1 Point = Unsatisfactory

FACTOR 3 Operational/Driving (CFR Parts 392, 395)
VIOLATIONS AFFECTING RATING **POINTS**
NONE
TOTAL POINTS: 0 = SATISFACTORY

√ 0 Point = Satisfactory
1 Point = Conditional
>1 Point = Unsatisfactory

FACTOR 4 Vehicle/Maintenance (CFR Parts 393, 396, Performance Data (OOS%))
VIOLATIONS AFFECTING RATING **POINTS** Fewer than 3 inspections
NONE
TOTAL POINTS: 0 = SATISFACTORY

Fewer than 3 Inspections	3 or more Inspections	
Rate same as other Regulatory Factors 1, 2, and 3 √ 0 Point = Satisfactory 1 Point = Conditional >1 Point = Unsatisfactory	OOS Less than 34%	OOS 34% or Higher
	Satisfactory	Conditional
	Conditional	Unsatisfactory
	If a pattern of Non-Compliance with a Critical or an Acute Violation	If a pattern of Non-Compliance with a Critical or an Acute Violation

FACTOR 5 Hazardous Material (CFR Parts 397, 171, 172, 173, 177, 180)
Not Applicable - Not a carrier of Hazardous Material
NONE

FACTOR 6 Accident (Recordable Accident Rate)
 $((\text{Recordable Accidents}) \times (1 \text{ million})) \div (\text{Total Miles}) = \text{Rate}$
 $(0 \times 1,000,000) \div 5,500 = 0 = \text{SATISFACTORY}$

ACCIDENT RATE **FACTOR RATING**
√ 0.000 - 1.500 = Satisfactory
>1.500 = Unsatisfactory

OVERALL SAFETY FITNESS RATING

Number of Factors (1-6) shown above as less than satisfactory
Unsatisfactory Conditional
0 0

= SATISFACTORY





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Safety Fitness Rating Explanation

FORMULA TO CALCULATE THE OVERALL SAFETY FITNESS RATING

Number of Factors

Unsatisfactory		Conditional	OVERALL RATING
√	0	2 or fewer	Satisfactory
	0	3 or more	Conditional
	1	2 or fewer	Conditional
	1	3 or more	Unsatisfactory
	2	0 or more	Unsatisfactory





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Part C

Reason for Review: Company Request

Planned Action: Compliance Monitoring

Safestat Category:

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓									

Prior ReviewsPrior ProsecutionsUnsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Yes - Interstate and Intrastate

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule:

45-Day - Interstate Passenger

Corporate Contact: Harold White Jr.

Corporate Contact Title: Owner

Special Study Information:Remarks:

This investigation was initiated because the carrier had applied to the South Carolina Public Service Commission for a Class C Charter Bus Certificate. This certificate requires that the carrier be in compliance with the Federal Motor Carrier Safety Regulations as adopted by South Carolina. This compliance review was started on 6/17/2008. During the investigation it was discovered that the carrier was also a interstate carrier and had a New Entrant Safety Audit on 05/05/2008.

White Brothers Tours LLC. is a for hire carrier of passengers and is owned and operated by Harold White Jr. He has one 47 passenger motorcoach. Carrier's gross income as of 06/17/2008 was \$12,400 and carriers mileage since start of operation was 5,500. All records are kept at his residence and were provided within 48 hours by Harold White Jr. Harold White Jr. is the only CDL driver at this time.

In Part 40, carrier failed to get 2 year drug and alcohol history from his previous employer.

In Part 382, carrier failed to have company policy on drug and alcohol testing. Coastal Occupational Medicine administers carrier's drug and alcohol testing program.

In Part 383, cdl records were checked by CDLIS. No violations were found.

In Part 387, Carrier has \$5,000,000 of insurance, a copy of MCS 90B was obtained.

In Part 390, no violations found. Carrier had 0 accidents.

In Part 391, no violations found.

In Part 392, no violations found.

In Part 393, one Level 5 inspection was done with no OOS violations. Carrier had 0 inspections listed on profile.

In Part 395, Carrier had no violations. a total of 31 days records of duty status was checked.

In Part 396, maintenance file was missing tire size and due dates. Carrier failed to copy of inspector's certification.





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Part C

Mr. White had a 2007 J.J. Keller Management Edition of the Federal Motor Carrier Safety Regulations. Mr. White overall was very knowledgeable of the regulations and very cooperative. He was given several websites to obtain additional information.

Mr. White stated that he would correct all violation immediately.

Upload Authorized:	Yes	No	
Authorized by:			Date:
Uploaded:	Yes	No	Failure Code:
Verified by:			Date:



The public report burden for this information collection is estimated to average 3 minutes. To comment on the accuracy of this estimate or for suggestions in reducing this burden, please direct your comments to OMB and FHWA at the following addresses:

Office of Management and Budget
Paperwork Reduction Project 2125-0618
Washington, D.C. 20503

Federal Highway Administration
Standards Development Division, HCS-10
400 Seventh Street, S.W.
Washington, D.C. 20590

**ENDORSEMENT FOR MOTOR CARRIER POLICIES OF INSURANCE FOR PUBLIC LIABILITY
UNDER SECTION 18 OF THE BUS REGULATORY REFORM ACT OF 1982**

Issued to HAROLD WHITE
WHITE BROTHER'S TOUR of MONCK'S CORNER SC 29461
Dated at RICHFIELD, OH this 14 day of MAY, 2007
Amending Policy No. CAR 0610114 00 Effective Date 05/11/2007
Name of Insurance Company NATIONAL INTERSTATE INSURANCE COMPANY
Countersigned by Chas R Spachman
Authorized Company Representative

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by ☒ "X" for the limits shown:
☒ This insurance is primary and the company shall not be liable for amounts in excess of \$ 5,000,000 for each accident.
☐ This insurance is excess and the company shall not be liable for amounts in excess of \$ _____ for each accident in excess of the underlying limit of \$ _____ for each accident.

Whenever required by the FHWA or the ICC, the company agrees to furnish the FHWA or the ICC a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the FHWA or the ICC, to verify that the policy is in force as of a particular date. The telephone number to call is: 1 800 929-1600
Cancellation of this endorsement may be effected by the company or the insured by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date of notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date the notice is received by the ICC at its office in Washington, D.C.).

DEFINITIONS AS USED IN THIS ENDORSEMENT

ACCIDENT includes continuous or repeated exposure to conditions which result in Public Liability which the insured neither expected nor intended.

BODILY INJURY means injury to the body, sickness or disease to any person, including death resulting from any of these.

MOTOR CARRIER means a for-hire carrier of passengers by motor vehicle.

PROPERTY DAMAGE means damage to or loss of use of tangible property.

PUBLIC LIABILITY means liability for bodily injury or property damage.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a for-hire motor carrier of passengers with Section 18 of the Bus Regulatory Reform Act of 1982 and the rules and regulations of the Federal Highway Administration (FHWA) and the Interstate Commerce Commission (ICC).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees judgement recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to financial responsibility requirements of Section 18 of the Bus Regulatory Reform Act of 1982 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from the payment

of any final judgement, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgement recovered against the insured as provided herein, the judgement creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgements resulting from any other accident.